

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
WILFREDO BATISTA and ANNA SANCHEZ

Plaintiffs,

-against-

THE CITY OF NEW YORK, STATE OF FLORIDA:  
DEPARTMENT OF CORRECTIONS; STATE OF FLORIDA  
TAMPA EAST DIVISION AND PAROLE,  
Defendants.

X

AFFIRMATION IN  
OPPOSITION

Case No.: 05-CV-8444  
(KMK)

\_\_\_\_\_  
X

I, Joy S. Bunch, an attorney and counselor-at-law duly admitted to practice law in the Courts of this State, hereby affirms the following under penalty of perjury:

1. That I am a partner at the Law Offices of Brogdon & Bunch, LLP. That we are attorneys for the plaintiffs, Wilfredo Batista and Anna Sanchez, in the above referenced matter.
2. That I respectfully submit this Affirmation in Opposition to the Court's Order dated July 19, 2007 Ordering your affirmant to Show Cause as to why I should not be ordered to pay the expense of opposing counsels' reasonable costs in attending the July 19<sup>th</sup> oral argument.
3. That after submitting a response to Defendants' counsels' Motion for Summary Judgment in March of 2007, I awaited notification of a date for oral arguments. On or about July 18, 2007, I had taken a few vacation days to attend a wedding for one of my best friends, of which I was a party to. When I received a telephone call on July 19, 2007, from my partner stating that an email had just come through with a message from you Honor's chambers, I immediately pulled over and took the telephone number to call back. I left a message on the voicemail for the first number, and then got through on the second number.
4. While on the record, I attempted to explain to the Court that I was not aware of the Court date, as I had not received any email notification. I do however admit that I failed to check the docket sheet via PACER in a timely fashion. I was taken aback however, at the fact that the Court did not believe me, as I have always proven myself to be an honest person in my dealings with the Court, and opposing counsel, as I would with anyone. I advised the Court that I would pay any "reasonable" expense as suggested, however, I think it is only fair that I am first advised of the expenses incurred by Defendants' counsel.

5. I would like to note that after checking the docket sheet, there was no email notification attached to the June 15, 2007 Order of the Honorable Kenneth M. Karas, therefore, I don't understand how opposing counsel can maintain that they received an email notification that was not on the docket sheet.
6. I respectfully request an opportunity to be advised of Defendants' Counsels' expenses, and again apologize to the Honorable Kenneth M. Karas, Hillary Frommer, Esq., and Jerry Siebens, Esq., who traveled from Florida, for not appearing, however I am not a dishonest person, and I was not aware of the date set for oral arguments. I did not intentionally nor willfully fail to make an appearance for oral arguments.

WHEREFORE, I respectfully request that the Court advise of a reasonable fee for travel expenses.

Dated: August 8, 2007

s/Joy S. Bunch  
Joy S. Bunch  
Law Offices of Brogdon & Bunch, LLP  
250 Fulton Avenue, Suite M200  
Hempstead, NY 11550  
(516) 292-3800  
(516) 292-3858 (fax)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILFREDO BATISTA and ANNA SANCHEZ, X

Plaintiff,

Index No.: 05 Civ. 8444 (KMK)

-against-

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TAMPA EAST DIVISION AND PAROLE,  
Defendants.

\_\_\_\_\_  
X

AFFIDAVIT OF SERVICE

I am ELIZABETH BUNCH, residing at 151 Beach 117<sup>th</sup> Street, Rockaway Park, NY 11694  
11691, and I am not a party herein. I swear that the following is true under penalty of perjury:

On the 8th day of August, 2007, the deponent served the within Plaintiff's Counsel's Affidavit  
in Opposition upon the following:

Corporation Counsel of the City of New York  
100 Church Street, Room 3-212  
New York, N.Y. 10007  
Attn: Hillary Frommer, Esq.

Charlie Christ  
Office of the Attorney General  
Tampa Civil Litigation Bureau  
501 East Kennedy Blvd., Suite 1100  
Tampa, FL 33602  
Attn: Gerald D. Siebens, Esq.

the address designated for that purpose, by First Class Mail.

s/ Elizabeth Bunch  
Elizabeth Bunch

Sworn to before me this  
\_\_\_\_\_ day of August, 2007

S. Gerard E. Brogdon  
NOTARY PUBLIC

Case Number 05 Civ. 8444

Year 2007

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AFFIRMATION IN OPPOSITION

LAW OFFICES OF BROGDON & BUNCH, LLP  
250 FULTON AVENUE, SUITE M200  
HEMPSTEAD, NEW YORK 11550  
TEL. 516.292.3800  
FAX. 516.292.3858

**NOTICE OF ENTRY**

Sir: Please take notice that the within is a (certified)  
true copy of a  
duly entered in the office of the clerk of the within  
Justice of named Court on  
at ,New York  
Dated:

Yours, etc.:  
Joy S. Bunch, Esq.  
Law Offices of Brogdon & Bunch, LLP  
250 Fulton Avenue, Suite M200  
Hempstead, New York 11550  
(516) 292-3800

To:

**NOTICE OF SETTLEMENT**

Sir: Please take notice that the  
of which a true copy of the  
will be presented for settlement to the  
the within named Court,  
Dated: on

Yours, etc.:  
Joy S. Bunch, Esq.  
Law Offices of Brogdon & Bunch, LLP  
250 Fulton Avenue, Suite M200  
Hempstead, New York 11550  
(516) 292-3800

To: